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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/348,742	07/06/1999	EDWARD DZIEDZIC	7038	5687

7590 03/01/2004

PAUL M DENK  
763 SOUTH NEW BALLAS ROAD  
ST LOUIS, MO 63141

EXAMINER
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WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/348,742

Applicant(s)

DZIEDZIC, EDWARD

Examiner

Alfred Joseph Wujciak

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-6 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
- ☐ received.
  - ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
  - ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

### DETAILED ACTION

This is the final Office Action for serial number 09/348,742, Banded Mount, filed on 7/6/99.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 5,098,051 to Aldridge et al.

Aldridge et al. discloses an aluminum (col. 7, line 5-7) stabilizer wire mount (53, figure 15) for attaching to a pole. The mount comprises a rectangular base plate (54, 55) having a top and bottom surface and a front and back edge. The top surface having an integral boss (62) positioned in center and at least one upwardly raised ribs (56, 57, 58, 59) defining a channel (60 and 61). The bottom surface has a front and back edge (figure 15). The front and back edge having a pair of depending serrated edges (see attachment of Aldridge et al., figure 15, a). The mount has at least one band (2) seated in the channel and extending around the pole (see figure 17).

Aldridge et al. teaches the top surface of mount but fails to teach the top surface having an integral boss mounted thereon. Figure 13 of Aldridge et al.'s invention shows

that the integral boss (50) with a loop (51) is mounted on the top surface of mount. The loop (51) on the base defines an opening therethrough. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the integral boss from figure 13 to figure 15 to provide a support for wire or cable on the mount when mounting on the pole.

### ***Response to Arguments***

Applicant's arguments filed 11/24/03 have been fully considered but they are not persuasive.

The applicant argues that, "Aldridge's loop 51 is a separate item, which is bolted in place, optionally, and is not integrally formed of the banded mount per se, as marketed, installed, and used, of the current invention." According to Merriam Webster's Collegiate Dictionary, "integral" means "essential to completeness." Loop 51 is a separate item however, when it is connected to the base, they form one piece. When the loop and base are connected to each other, they are considered as "essential to completeness."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III  
Examiner  
Art Unit 3632

AJW

2/24/04



LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER